IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 28TH JUNE 2007 / 7TH ASHADHA 1929

Crl.Rev.Pet.No. 403 of 1999()

CRA.181/1995 of ADDL. SESSIONS COURT, ALAPPUZHA DT.28.8.98.
CC.594/1992 of JUDL.MAGISTRATE OF FIRST CLASS-II, CHERTHALA DT.25.10.1995.

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REVN. PETITIONER: 1ST APPELLANT/ 2ND ACCUSED

ABRAHAM LUKOSE, S/O.LUKOSE,
PADAVATHIL VEEDU, NEENDOOR,
ONAMTHURUTHU VILLAGE,
KOTTAYAM.

BY ADV. SRI.M.J.THOMAS

RESPONDENT: RESPONDENT / COMPLAINANT

STATE OF KERALA, REP.BY THE
PUBLIC PROSECUTOR, HIGH COURT
OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 28/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.R.P NO.403/1999

ORDER ON CRL.MP.1712/1999 IN CRL.RP. 403/1999

DISMISSED

28.06.2007 **SD/- K.R.UDAYABHANU, JUDGE**

/TRUE COPY/

P.S. TO JUDGE

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K.R. UDAYABHANU, J.

Crl. R.P. No.403 of 1999

Dated 28th June, 2007

ORDER

The revision petitioner who is the 2nd accused in C.C.No. 594/92 stands convicted for the offence under section 379 read with 34 IPC and sentenced to undergo simple imprisonment for 6 months .

2. The prosecution case is that on 20-5-1991 at about 5.30 p.m while the 2nd accused /revision petitioner was driving a Maruthi car which stopped near PW1/de facto complainant who was walking through the side of the road and A2 who was sitting in the front seat snatched M.O-1 gold chain from the neck of PW-1 and thereby committed theft.

3. The evidence adduced in the matter consisted of the testimony of PWs 1 to 12; Exts.P1 to P9 and M.O-1 gold chain. It is submitted that A1 is absconding; A2/revision petitioner and A3 were convicted and sentenced. The evidence with respect to the incident

consisted of the testimony of PW1 and that of PWs 2 to 5. PWs 2 to 5, the occurrence witnesses, turned hostile. PW-8 has testified that he along with A3 went to PW-7 goldsmith's shop and sold M.O-1 gold chain for a sum of Rs.7000/- PW-8 has testified in support of the prosecution version. PW-1 has identified the accused persons. The gold chain was recovered as led by A2. It is on the basis of the evidence of the above witnesses that it was found that the accused were guilty of the offence alleged.

4. On a consideration of the evidence adduced and the concurrent findings of the courts below, I find no reason to interfere in exercise of the revisional jurisdiction. The conviction is confirmed.

5. Counsel for the revision petitioner has pleaded for leniency pointing out that the accused was very young on the date of the incident and that more than 15 years have elapsed since the commencement of the proceedings and that right now the revision petitioner is leading a normal life. In the circumstances and in view of the long delay in

the matter, I find that the sentence is liable to be modified. Accordingly, the sentence is modified to pay a fine of Rs.5000/- and in default to undergo simple imprisonment for 6 months.

The Crl.R P is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE.

Kvm/-

K.R.UDAYABHANU, J.

CRL.R.P.NO. 403 OF 1999

ORDER

28-6-2007.